

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

DONALD RAY LOGSDON, JR.,

Plaintiff,

v.

No. 21-CV-252-JFH-JAR

DORIS CRAWFORD,

Defendant.

OPINION AND ORDER

Plaintiff Donald Ray Logsdon, Jr. (“Logsdon”), a pro se federal prisoner, filed a third motion for appointment of counsel in this civil rights complaint against a state official pursuant to 42 U.S.C. § 1983. Dkt. No. 138. Logsdon alleges he is a Choctaw Indian. He claims he is indigent and cannot afford to hire counsel, and he cites 25 U.S.C. § 175 as authority for appointing United States Attorneys to represent Indians.

In *Scott v. Hormel*, 854 F. App’x, 958 (10th Cir. May 5, 2021), the Tenth Circuit Court of Appeals affirmed the denial of appointed counsel for a prisoner in a § 1983 action, based on § 175:

We reject Scott’s contention that § 175 requires the appointment of counsel any time a member of a federally recognized Indian tribe requests it in any civil suit. The statute provides: “In all States and Territories where there are reservations or allotted Indians the United States attorney shall represent them in all suits at law and in equity.” *Id.* But § 175 “is not mandatory and . . . its purpose is no more than to ensure Native Americans adequate representation in suits to which they might be parties.” *Navajo Nation v. San Juan Cnty.*, 929 F.3d 1270, 1278 (10th Cir. 2019) (internal alterations and quotation marks omitted).

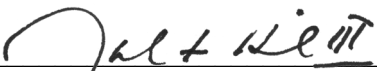
Scott, 854 F. App’x. at 960.

On two previous occasions, this Court has found that Logsdon is not entitled to appointed counsel. Dkt. No. 12; Dkt. No. 43. The Court reviewed the merits of his claims, the nature of factual issues raised in his allegations, and his ability to investigate crucial facts. In the first

motion, the Court also denied Logsdon's request for counsel under 25 U.S.C. § 175. Dkt. No. 12. The Court now finds that such appointment still is not warranted.

IT IS THEREFORE ORDERED that Logsdon's third motion for appointment of counsel [Dkt. No. 138] is DENIED.

Dated this 13th day of December 2023.



JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE